

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRUCE N. RADEMACHER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:08CR1193 HEA
)	
HBE CORPORATION,)	
)	
Defendant.)	

ORDER

This matter is before the Court Defendant's Motion to Compel, [Doc. No. 14]. Plaintiff opposes the Motion. For the reasons set forth below, the Motion to Compel will be granted.

Defendant served its initial interrogatories and document requests on December 31, 2008. Plaintiff produced his responses on February 16, 2009.¹ Counsel for the parties communicated with each other supplements, and, at his deposition, Plaintiff acknowledged that some of the information requested was not produced.

Plaintiff responds to the Motion to Compel by arguing that the Motion is premature, no additional information or documents have been discovered by

¹ The responses would have been due on or before January 30, 2009, pursuant to the Federal Rules of Civil Procedure. The parties agreed to an extension of that time. *Id.*

Plaintiff since his original responses and that he was substantially justified in not producing them because he was on active military duty. Although Plaintiff states that he was unable to search for additional documents while on active military duty, Plaintiff does not explain his failure to fully answer the interrogatories, including subpart, and his failure to produce documents of which he referred during his deposition.

Based upon the above, the Motion appears to be well taken

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Compel, [Doc. No. 14], is granted.

IT IS FURTHER ORDERED that the parties shall, within 5 days from the date of this Order, meet and confer as to which documents and answers remain due to Defendant.

IT IS FURTHER ORDERED that Plaintiff shall produce the requested information within 5 days from the parties' meeting.

Dated this 24th day of August, 2009.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE